Town Board Minutes

Meeting No. 20

Special Meeting

July 15, 1996

File: Spmtgpg

LANCASTER, NEW YORK JULY 15, 1996

A joint meeting of the Town Board and the Planning Board of the town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 15th day of July 1996, at 6:30 Page and there were

PRESENT:

ROBERT GIZA, SUPERVISOR

DONALD KWAK, COUNCIL MEMBER JOHN MILLER, COUNCIL MEMBER MARK MONTOUR, COUNCIL MEMBER DONNA STEMPNIAK, COUNCIL MEMBER

REBECCA ANDERSON, PLANNING BOARD CHAIRMAN

STEVEN SOCHA, PLANNING BOARD MEMBER

MELVIN SZYMANSKI, PLANNING BOARD MEMBER

ABSENT:

FRANK DE CARLO, PLANNING BOARD MEMBER

JOHN GOBER, PLANNING BOARD MEMBER

DAVID MARRANO, PLANNING BOARD MEMBER

MILDRED WHITTAKER, PLANNING BOARD MEMBER

ALSO PRESENT: ROBERT THILL, TOWN CLERK

RICHARD SHERWOOD, TOWN ATTORNEY

JEFFREY SIMME, ASSISTANT BUILDING INSPECTOR

ROBERT LABENSKI, TOWN ENGINEER

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for a State Environmental Quality Review of two actions.

IN THE MATTER OF THE SEQR REVIEW OF THE EDWARD LEWIS REZONE PETITION AND COUNTRY MANSIONS CONDOMINIUM DEVELOPMENT

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the Edward Lewis rezone petition and Country Mansions condominium development matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment," which was provided to each member.

This matter was previously considered at a Municipal Review Committee meeting on June 3, 1996 and adjourned pending receipt of additional information from the developer.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER STEMPNIAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER MILLER, TO WIT:

RESOLVED, that the following Negative Declaration be adopted.

NOTICE OF DETERMINATION: EDWARD LEWIS REZONE PETITION AND COUNTRY MANSIONS CONDOMINIUM DEVELOPMENT NEGATIVE DECLARATION

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.11, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.10.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 7.68 acres.

The location of the premises being reviewed is situating on the north side of Broadway, west of Cemetery Road, and east of Bowen Road

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type 1 threshold in 6 NYCRR, Part 617.12.
- B. The action will receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- The proposed action will not result in any adverse effects associated with the following: (except as noted)
- C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.
 - a) It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required.
 - b) There will be small to moderate affect on surface water drainage and flooding.
- C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources, or community or neighborhood character.

No adverse effects noted

C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.

No adverse effects noted

- C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources. There will be a small to moderate affect on land use and density.
- C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.

No adverse effects noted

C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.

No adverse effects noted

- Page 566 Other impacts (including changes in use of either quantity or type of energy. C.7 There will be some other small to moderate impacts in change of land use and
- D. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

Robert H. Giza, Supervisor

SEAL

Town of Lancaster

July 15, 1996

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and and,

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
PLANNING BOARD CHAIRMAN ANDERSON	VOTED YES
PLANNING BOARD MEMBER DE CARLO	WAS ABSENT
PLANNING BOARD MEMBER GOBER	WAS ABSENT
PLANNING BOARD MEMBER MARRANO	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD MEMBER WHITTAKER	WAS ABSENT

The Notice of Determination was thereupon unanimously adopted.

July 15, 1996

IN THE MATTER OF THE SEQR REVIEW OF THE RANDALL BENDERSON 1993-1 TRUST REZONE PETITION AND

RANDALL BENDERSON 1993-1 TRUST REZONE PETITION ANI TRANSIT ROAD/WEHRLE DRIVE THEATER COMPLEX

The Municipal Review Committee then proceeded with the Environmental Assessment on the proposed Randall Benderson 1993-1 Trust rezone petition and Transit Road/Wehrle Drive theater complex rezone matter with an item for item review and discussion of the project impact and magnitude as outlined on a Full Environmental Assessment Form Part 2 which was provided to each member.

This matter was previously considered by the Municipal Review Committee on June 3, 1996 and adjourned pending receipt of additional information from the applicant.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER MILLER, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER MONTOUR , TO WIT:

RESOLVED, that the following Negative Declaration be adopted:

NOTICE OF DETERMINATION RANDALL BENDERSON 1993-1 TRUST REZONE PETITION AND TRANSIT ROAD/WEHRLE DRIVE THEATER COMPLEX NEGATIVE DECLARATION

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is a Type 1 action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.11, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.10.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster 21 Central Avenue Lancaster, New York 14086 Richard J. Sherwood, Town Attorney 716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 12.04 acres.

The location of the premises being reviewed is on the east side of Transit Road, south side of William Street.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

 The proposed action will have a small to moderate affect resulting in a physical change to the project site.

- The proposed action will not effect any unique or unusual land forms found on the site.
- 3. The proposed action will not affect any water body designated as protected.
- The proposed action will not affect any non-protected existing or new body of water.
- The proposed action will have a small to moderate affect on surface or ground water quality or quantity.
 - a) It is noted that a State Pollution Discharge Elimination System (SPDES)
 General Permit for Discharge from Construction Activities is required.
 - b) Injection wells are proposed. The potential for contamination is unknown.
- 6. The proposed action will not alter drainage flow patterns or surface water runoff.
- 7. The proposed action will have a small to moderate affect on air quality.
- 8. The proposed action will not affect any threatened or endangered species.
- The proposed action will not substantially affect non-threatened or endangered species.
- 10. The proposed action will not affect agricultural land resources.
- The proposed action will not affect aesthetic resources. It is noted that the site is currently an abandoned commercial site.
- The proposed action will not impact any site or structure of historic, pre-historic or paleontogical importance.
- 13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
- The proposed action will not impact on the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g).
- 15. The proposed action will have a small to moderate affect on existing transportation systems. The petitioner has agreed to amend the rezone proposal by deletion of the rear 65 feet along the east property line thereby eliminating an ingress/egress corridor to Wehrle Drive. This small to moderate finding for Item 15 is predicated on the amended petition deleting the rear 65 feet along the east property line.

The developer shall be responsible for any and all mitigation requested by the New York State Department of Transportation.

- 16. The proposed action will not affect the community's sources of fuel or energy supply.
- 17. There will not be objectional odors, noise, or vibration as a result of this proposed action.
- 18. The proposed action will not affect public health and safety.
- The proposed action will have a small to moderate affect on the character of the existing community.
- 20. There is some public controversy related to potential adverse environmental impacts from neighbors..

9/9

SEAL

Robert H. Giza, Supervisor Town of Lancaster

July 15, 1996

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
PLANNING BOARD CHAIRMAN ANDERSON	VOTED YES
PLANNING BOARD MEMBER DE CARLO	WAS ABSENT
PLANNING BOARD MEMBER GOBER	WAS ABSENT
PLANNING BOARD MEMBER MARRANO	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD MEMBER WHITTAKER	WAS ABSENT

The Notice of Determination was thereupon unanimously adopted.

July 15, 1996

IN THE MATTER OF THE SEQR REVIEW OF THE BELLA VISTA GROUP REZONE PETITION AND THEATER COMPLEX - TRANSIT ROAD/WILLIAM STREET

The Town Attorney advised the Municipal Review Committee that the New York State Department of Transportation requested that the following verbiage be added to the Negative Declaration adopted by the Municipal Review Committee on July 1, 1996: "The developer shall be responsible for any and all mitigation required by the New York State Department of Transportation".

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER MILLER, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER STEMPNIAK, TO WIT:

RESOLVED, that Item No. 15 of the SEQR Negative Declaration adopted by the Town Board on July 1, 1996 in regards to the Bella Vista Group Rezone Petition and Theater Complex - Transit Road/William Street, be and is hereby amended to include the following verbiage requested by the New York State Department of Transportation: "The developer shall be responsible for any and all mitigation required by the New York State Department of Transportation".

ADJOURNMENT:

ON MOTION DULY MADE, SECONDED AND CARRIED, this meeting was adjourned at 8:05 P.M.

Robert & Thick

Robert P. Thill, Town Clerk

Town Board Minutes

Meeting No. 21

Regular Meeting

July 15, 1996

File:Rgmtgpg

MEETINGS TO DATE 21 NO. OF REGULARS 14 NO. OF SPECIALS

LANCASTER, NEW YORK

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 15th day of July 1996 at 8:00 P.M. and there were

PRESENT:

DONALD KWAK, COUNCIL MEMBER

JOHN MILLER, COUNCIL MEMBER

MARK MONTOUR, COUNCIL MEMBER DONNA STEMPNIAK, COUNCIL MEMBER

ROBERT GIZA, SUPERVISOR

ABSENT:

NONE

ALSO PRESENT: ROBERT THILL, TOWN CLERK

ROBERT LABENSKI, TOWN ENGINEER

RICHARD SHERWOOD, TOWN ATTORNEY

JEFFREY SIMME, ASSISTANT BUILDING INSPECTOR

THOMAS FOWLER, CHIEF OF POLICE

JOHANNA COLEMAN, RECEIVER OF TAXES

PERSONS ADDRESSING TOWN BOARD:

Baehre, David, 5755 Genesee Street, spoke to the Town Board on the following matters:

- 1. Electrical disturbances on Genesee Street.
- 2. Convicts working at the Tops site.
- 3. Overloaded stone trucks on Genesee Street.

Huber, Catherine, 1302 Ransom Road, spoke to the Town Board on the following matter:

Expressed opposition to the inflatable domed soccer center proposed for Harris Hill Road at Wehrle Drive.

Bastian, Norman, 5747 Genesee Street, spoke to the Town Board on the following matter:

Expressed opposition to the inflatable domed soccer center proposed for Harris Hill Road and Wehrle Drive.

Gambon, John, 66 Eastwood Parkway, spoke to the Town Board on the following matter:

Expressed opposition to the proposed Bella Vista Rezone and Theater Complex.

Hall, Barbara, 50 Eastwood Parkway, spoke to the Town Board on the following matter:

Expressed opposition to the proposed Bella Vista Rezone and Theater Complex.

Fage 572
King, Patricia, 46 Eastwood Parkway, spoke to the Town Board on the following matter:

Expressed opposition to the proposed Bella Vista Rezone and Theater Complex.

Grabowski, Daniel, 44 Eastwood Parkway, spoke to the Town Board on the following matters:

- Expressed opposition to the proposed Bella Vista Rezone and Theater Complex.
- Commended Council Member Stempniak for proposing a resolution denying this rezone.

Charles, James, 40 Eastwood Parkway, spoke to the Town Board on the following matters:

- Expressed opposition to the proposed Bella Vista Rezone and Theater Complex.
- 2. Commended Council Member Stempniak for proposing a resolution denying this rezone.

Gull, Henry, 710 Pavement Road, spoke to the Town Board on the following matter:

The cost to Town taxpayers of a lawsuit by CARE challenging the Tops rezone. He commended CARE for demanding a full building permit fee for the Tops project.

Kubicki, Gloria, 15 Maple Drive, spoke to the Town Board on the following matter:

Traffic congestion at Transit and Wehrle Drive.

Palmeri, Kandy, 5815 Genesee Street, spoke to the Town Board on the following matter:

Commended Council Member Stempniak for proposing a resolution denying a rezone to Bella Vista for a Theater Complex at Transit and William.

Kotwicki, Joyce, 246 Stony Brook Drive, spoke to the Town Board on the following matter:

Surface water flooding and ponding problems on her property.

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon the proposed rezone petition of Como Village, Inc. for property situate on the west side of Bowen Road, south of Broadway, rezone of said property from a RCO-Residential Commercial Office District, R-1, Residential District One and a GB-General Business District, to a MFR-3, Multifamily Residential District Three.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPONENTS

ADDRESS

Wesley Stone, representing the petitioner, 33 N. Ellicott St., Williamsville, NY

OPPONENTS

ADDRESS

None

COMMENTS & QUESTIONS

ADDRESS

None

ON MOTION BY COUNCIL MEMBER STEMPNIAK, AND SECONDED BY COUNCIL MEMBER KWAK AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:45 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER KWAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER MONTOUR, TO WIT:

RESOLVED, that the minutes from the Joint Meeting of the Town Board and the Planning Board held on July 1, 1996, and the Regular Meeting of the Town Board held on July 1, 1996, be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK

COUNCIL MEMBER MILLER VOTED YES
COUNCIL MEMBER MONTOUR VOTED YES
COUNCIL MEMBER STEMPNIAK VOTED YES

VOTED YES

SUPERVISOR GIZA VOTED YES

July 15, 1996

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA , WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER MONTOUR , TO WIT:

WHEREAS, M. PASSUCCI, INC., 4085 Walden Avenue, Lancaster, New York 14086, the contractor for construction of the Forestream/Southpoint Pedestrian Bridge, has submitted Change Order No. 1 in the amount of \$4,498.00 to the Town Board for its approval, and

WHEREAS, the Town Engineer, by letter dated July 8, 1996, has recommended such change order.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change Order No. 1 to M. Passucci, Inc. with respect to the Forestream/Southpoint Pedestrian Bridge according to the following description of change to contract:

DESCRIPTION OF CHANGE ORDER:

- 1. Add landscape area between sidewalk and curb and area at end of road to top of creek embankment.
- Remove wood barriers, install corrugated beam rail and reinstall stop sign.

\$2,500.00

3. Add - 360 S.F. of rip-rap @ \$3.57 per foot

<u>1.998.00</u>

TOTAL CHANGE ORDER ADD

\$4,498.00

and,

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to execute this change order on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK VOTED YES
COUNCIL MEMBER MILLER VOTED YES
COUNCIL MEMBER MONTOUR VOTED YES
COUNCIL MEMBER STEMPNIAK VOTED YES
SUPERVISOR GIZA VOTED YES

July 15, 1996

File: RCHANGE.ORD (P1)

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER MILLER, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Town Board, after due review and consideration, deems it in the public interest to upgrade the Town street map in order to adequately reproduce refuse,, zoning, drainage and index maps, and

WHEREAS, the Building Inspector has obtained quotes from several engineering firms for the production of new mylar maps with copies on disk and advises that William Schutt & Associates, P.C. 5360 Genesee Street, Bowmansville, New York, offered the lowest proposal at a sum not to exceed \$5,000.00;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to execute an Agreement with Wm. Schutt & Associates P.C., 5360- Genesee Street, Bowmansville, New York, at a cost not to exceed \$5,000.00 for the production of Mylar street maps for the Town of Lancaster and upon the further terms and conditions as set forth in the letter proposal for same dated July 11, 1996.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK

COUNCIL MEMBER MILLER

COUNCIL MEMBER MONTOUR

COUNCIL MEMBER STEMPNIAK

VOTED YES

SUPERVISOR GIZA

VOTED YES

July 15, 1996

File: rmylar

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER MONTOUR, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER MILLER , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has previously established a Workers' Compensation self insurance plan and as a part of that plan contracts annually for Excess Insurance with an insurance carrier, and

WHEREAS, the Town must renew the beforementioned Excess Insurance Policy for the period commencing July 1, 1996, through June 30, 1997 and through the Town's Administrator, S.H. Gow & Company, Inc. has obtained a quote for this period from Employers' Reinsurance Corporation;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the renewal of the Workers' Compensation Excess Insurance for the period commencing July 1, 1996 through June 30, 1997, by placement with Employers' Reinsurance Corporation and further authorizes the Supervisor of the Town of Lancaster to enter into a contract for such insurance coverage.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK

COUNCIL MEMBER MILLER

COUNCIL MEMBER MONTOUR

COUNCIL MEMBER STEMPNIAK

VOTED YES

SUPERVISOR GIZA

VOTED YES

July 15, 1996

File: rwkrscmp

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA , WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER STEMPNIAK TO WIT:

WHEREAS, the Dog Control Officer of the Town of Lancaster, by letter dated July 11, 1996, has informed the Town Board of the need for an Assistant Dog Control Officer in order to meet scheduling and dog enumeration problems within the department, and

WHEREAS, by the same letter, the Dog Control Officer has recommended the appointment of Jack Hoffman, 40 Litchfield Avenue, Depew, New York 14043 to the aforementioned position of Assistant Dog Control Officer, and

WHEREAS, it is in the public interest to hire an additional Assistant Dog Control

Officer to ensure uninterrupted service by the Dog Control Office, all of which
recommendations are set forth in the letter from the Dog Control Officer dated July 11, 1996,

NOW, THEREFORE, BE IT

RESOLVED, that **JACK HOFFMAN**, 40 Litchfield Avenue, Depew, New York 14043, be and is hereby appointed to the position of Assistant Dog Control Officer, effective July 15, 1996, and

BE IT FURTHER

RESOLVED, that the salary for this position is \$10.50 per hour which is 75% of the gross salary, as set forth in the schedule of salaries to commence as of July 15, 1996.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK VOTED YES
COUNCIL MEMBER MILLER VOTED YES
COUNCIL MEMBER MONTOUR VOTED YES
COUNCIL MEMBER STEMPNIAK VOTED YES
SUPERVISOR GIZA VOTED YES

July 15, 1996

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER STEMPNIAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER KWAK, TO WIT:

WHEREAS, Samuel Son & Company, Buffalo Industrial, Park, 1800

Broadway, Unit 16, Buffalo, New York, has submitted a Site Plan dated May 24, 1996, for the construction of a warehouse facility to be located on the north side of Walden Avenue approximately 2700 feet east of Pavement Road in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan, and at its meeting June 14, 1996, recommended approval, and

WHEREAS, this project has been reviewed under the SEQR Regulations and an environmental review was held on Monday, July 1, 1996, and a Negative Declaration was issued that date;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by Samuel Son & Company, for the construction of a warehouse facility to be located on the north side of Walden Avenue approximately 2700 feet east of Pavement Road in the Town of Lancaster, with plans prepared by Freeman & Stromecki, PE., PC, Consulting Engineers, dated May 24, 1996.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 15, 1996

File: rsite.796

PREFILED RESOLUTION NO. 7 - MEETING OF 07/15/96

7. Stempniak/	Deny Zoning Ordinance Map Rezone Petition Of Bella Vista
	Group William Street South Of Transit Road

This prefiled resolution failed to receive a second and therefore was not deliberated by the Town Board.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER STEMPNIAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER MILLER, TO WIT:

WHEREAS, Markar Building Products, Inc., 68 Ward Road, Lancaster, New York, has submitted a Site Plan dated May 6, 1996, for the construction of a an addition to its existing facility located at 68 Ward Road in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan, and at its meeting May 17, 1996, recommended approval, and

WHEREAS, this project has been reviewed under the SEQR Regulations and an environmental review was held on Monday, July 1, 1996, and a Negative Declaration was issued that date:

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by **Markar Building Products**, **Inc.**, for the construction of an addition to its existing facility located at 68 Ward Road in the Town of Lancaster, with plans prepared by Bernard & DeSimone, Architects, dated May 6, 1996.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 15, 1996

File: rsite2.796

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER MONTOUR . TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid from their respective accounts:

Claim No. 8894 to Claim No. 9171 Inclusive

Total amount hereby authorized to be paid: \$722,896.10

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK VOTED YES

COUNCIL MEMBER MILLER VOTED YES

COUNCIL MEMBER MONTOUR VOTED YES

COUNCIL MEMBER STEMPNIAK VOTED YES

SUPERVISOR GIZA VOTED YES

July 15, 1996

File: RCLAIMS

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER KWAK , WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER MONTOUR , TO WIT:

RESOLVED, that the following Building Permit Applications be and are hereby approved and the issuance of these Building Permits be and are hereby authorized:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

No. Cod	e Applicant	Street Address	<u>Structure</u>
3555	Richard Sobolewski	48 Old Post Rd	Er. Fence
3556	Joseph Ledzion	234Warner Rd pool	Er. Shed/Deck/Fence/
3557	Chris Burns	18 Signal Dr	Er. Deck
3558	Thomas Elwell	4 Huntington Ct	Er. Shed
3559	Howard Michel	13 Bentley Cir	Er. Shed
3560	Donna McDonald	8 Northbrook Ct	Er. Shed/Deck/Pool
3561	Paul Missano	18 Whitestone Ln	Er. Porch
3562	Dan Stachelski	57 Stony Brook Dr	Er. Pool
3563	All Craft Homes Inc	15 Willow Ridge Ct	Er. Sin. Dwlg
3564	Marrano/Marc Equity	41Woodgate Dr	Er. Sin. Dwlg
3565	Cameo Homes Builders	20 Sagebrush Ln	Er. Sin. Dwlg
3566	James Koral	9Winding Way	Er. Deck
3567	Hugh Chavis	329 Iroquois Ave	Er. Shed
3568	June Marie Russo	47 Hemlock Ln	Er. Pool
3569	Ryan Homes	18 Park Wik	Er. Sin. Dwlg To consut
3570 C	Inthony General	25 Traceway	Er. Sin. Dwlg
3571	WFB Enterprises	880 Townline Rd	Er. Sin. Dwlg
3572	Roger & Lori Baramyl	1500 Townline Rd	Er. Shed
3573	Richard Strek	231 Enchanted Fst N	Er. Deck
3574	Michael Wahl	723 Schwartz Rd	Er. Shed
3575	M & S Woodard	40 Rue Madeleine Wa	Er. Pool

3576	Sanjiv Desai	17 Kelly Ann Dr	Er. Deck
3577	John F Mruk	49 Lake Fst Pkwy E	Er. Gazebo
3578	Henry Szymczak	196 N Maple Dr	Ex. Garage/Ins. Patio
3579	Joe Lucenti	3 Willow Ridge Ct	Er. Shed
3580	Fast Auto Glass Inc	5151 Genesee St	Alt. Service Bldg
3581	Complete Home Imp	30 Stony Brook Dr	Er. Patio Roof
3582	Joseph Abati	10 Overton Ct	Er. Fence
3583	Marie Burr	l Glenhollow Dr	Er. Shed
3584	Lynn Lowery	14 Quail Run Ln	Er. Shed
3585	Colleen Thurnherr	29 Ronald Dr	Ex. Sin. Dwlg
3586	Ronald Maziarz	9 Matthews Dr	Er. Pool
3587	Donald Wojtowicz	12 Stony Brook Dr	Er. Deck
3588	James R Slowinski	56 Stony Brook Dr	Er. Fence
3589	Stan Wojcik	64 Rehm Rd	Er. Deck
3590	Peter Rocco	5300 William St	Er. Deck
3591	Leonhard Hoeglmeir	9 Willow Ridge Ct	Er. Pool
3592	James Marshall	11 Bridlepath Ln	Er. Shed
3593	Swinco Pools	282 Warner Rd	Er. Fence/Pool
3594	Timothy Greene	64 Southpoint Dr	Er. Deck
3595	Marrano/Marc Equity	7 Riemers Ave	Er. Sin. Dwlg
3596	Marrano/Marc Equity	41 Stony Brook Dr	Er. Sin. Dwlg
3597	Harold Martzolf	404 Schwartz Rd	Er. Sin. Dwlg
3598	David Stotz	24 Windsor Ridge	Er. Pool
3599	Frank Tobias	3 Michael's Wlk	Er. Deck

BE IT FURTHER

and,

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit App.ications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 15, 1996

FILE: RBLDG2 (P1-3)

Council Member Miller requested a suspension of the necessary rule for immediate consideration of the following resolution - SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER MILLER, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Chief of Police of the Town of Lancaster, by memorandum dated July 15, 1996 to the Supervisor and the Chairman of the Public Safety Committee, has requested authorization to hire a part-time police clerk, with no benefits,

NOW, THEREFORE, BE IT

RESOLVED, that the Police Chief of the Town of Lancaster be and is hereby authorized to hire a part-time police clerk, with no benefits, at an hourly rate of \$12.44 for a period not to exceed nineteen (19) hours per week, and

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK VOTED YES

COUNCIL MEMBER MILLER VOTED YES

COUNCIL MEMBER MONTOUR VOTED YES

COUNCIL MEMBER STEMPNIAK VOTED YES

SUPERVISOR GIZA VOTED YES

July 15, 1996

File: RPERS.APP (P1)

Council Member Kwak requested a suspension of the necessary rule for immediate consideration of the following resolution - SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER KWAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Department Crew Chief, by letter dated July 15, 1996, has requested the appointment of the following individuals as seasonal employees in the Parks and Recreation Department of the Town of Lancaster for the summer season of 1996,

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and are hereby appointed to the position of seasonal employee for the summer of 1996 in the Parks and Recreation Department of the Town of Lancaster at the following hourly rate:

NAME	POSITION	RATE
Sheri Cummings (new hire) 44 Cowing Street Depew, New York 14043	Lifeguard Substitute	\$5.25 hr.
Shawn Zaffram 28 Tanglewood Drive Lancaster, New York 14086	Playground Attendant	\$5.00 hr.

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 15, 1996 File: RPERS SUM (P7)

COMMUNICATIONS

506. Police Chief to Town Board -

Comments re: use of detention pond. DISPOSITION: Received and Filed

507. Town Clerk to Town Board -

Listing of contracts expiring September 1996. DISPOSITION: Town Attorney

508. Donald Fiscus, Jr., 34 Eastwood Pkwy, to Town Clerk -

Request denial of Bella Vista rezone petition for proposed theater complex at Transit and William. DISPOSITION: Received and Filed

509. Town Clerk to Supervisor -

Monthly report for June 1996. DISPOSITION: Received and Filed

510. Carmina Silvestri Architects, PC to Supervisor -

Letter of appreciation for meeting held 6/24/96 discussing the Epic Sports Dome. **DISPOSITION:** Public Safety Committee

511. Timothy Deakin, 12 Windsor Ridge Dr., to Town Board -

Request an "AREA SPEED LIMIT 30" sign, installation of electric lantern or spot light on entrance island, and paving of balance of Lake Ave **DISPOSITION:** Chief Fowler

512. Supervisor to Lancaster Village Mayor -

Request reimbursement for the Manitoba/E&E invoice DISPOSITION: Received and Filed

513. Town Engineer to Town Board -

Transmittal of list of maintenance items that require attention (ditches, drains, sink holes. DISPOSITION: Received and Filed

514. Police Chief to Town Board -

Denial of request for refund representations and Filed

515. County Div. Of Highways to Supervisor -

Notification of reopening of Bowen Rd. between Hall Rd. And William St. on 6/21/96. **DISPOSITION:** Received and Filed

516. Town Engineer to Abate Engineering Associates -

Notice of concurrence on recommendation re Town Hall, Opera House roof and Highway Department building with request to proceed with plans and specifications for both buildings. **DISPOSITION:** Received and Filed

517. Town Clerk to Media -

Notice of SEQR meeting to be held 7/15/96 re: Transit/Wehrle and Ed Lewis rezone petitions. **DISPOSITION:** Received and Filed

518. Town Engineer to Town Board -

Recommend execution of Change Order No. 1 for Forestream/Southpoint Pedestrian Bridge construction to Passucci, Inc. **DISPOSITION:** Received and Filed

519. ECDEP to Deputy Town Attorney -

Results of SEQR review of Samuel Son & Co., Inc. site plan. DISPOSITION: Received and Filed

520. ECDEP to Deputy Town Attorney -

Results of SEQR review of Bella Vista rezone petition - theater complex -William near Transit Road. DISPOSITION: Received and Filed

521. M/M Michael Tranquilli and M/M Thomas Zimmerman to Town Board -

Opposition to proposed bridle path in Westwood Park. **DISPOSITION:** Received and Filed

522. Donald Symer to Town Board -

Request maximum speed limit on Schwartz Road be 35 mph. **DISPOSITION:** Public Safety Committee, Chief Fowler

- 523. Frank Cappella, 64 Eastwood Pkwy, to Supervisor Opposition to Bella Vista rezone petition for proposed theater complex at William and
 Transit. DISPOSITION: Received and Filed
- 524. ECDEP xzto Deputy Town Attorney Results of SEQR review of Markar site plan. **DISPOSITION:** Received and Filed
- 525. John Gambon, 66 Eastwood Parkway to Town Board -Concerns re: Bella Vista rezone petition for proposed theater complex at William and Transit. DISPOSITION: Received and Filed
- 526. Barbara Kuhn, 4 Eastwood Pkwy, to Supervisor -Concerns rand comments re: Bella Vista rezone petition for proposed theater complex at William and Transit. DISPOSITION: Received and Filed
- 527. Joseph Cipolla, Bella Vista Group, Inc. To Supervisor -Response to dialogue re: rezone petition for proposed theater complex at William and Transit. DISPOSITION: Received and Filed
- 528. Police Chief to Supervisor and Chair., Public Safety Committee -Request authority to hire part-time police dispatcher. DISPOSITION: Received and Filed
- 529. Police Chief to Supervisor and Chair., Public Safety Committee -Request creation of additional lieutenant position. DISPOSITION: Received and Filed
- 530. DCO to Town Board -Request appointment of Jack Hoffman to position of Assistant Dog Control Officer. DISPOSITION: Received and Filed
- 531. Wm. Schutt & Associates to Supervisor -Proposal to provide professional services as required to re-create various maps. DISPOSITION: Received and Filed
- 532. Pratt & Huth Associates to Town Clerk Transmittal of linens re: Windsor Ridge Subdivision, Phase III. **DISPOSITION:**Town Attorney, Town Clerk, Building Inspector
- 533. Adrianne Graber, Clerk-Typist, Town Justice Department to Town Board -Request unpaid vacation leave for week of 8/12/96. DISPOSITION: Received and Filed

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER STEMPNIAK, AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 9:55 P.M.

Signed

Robert P. Thill, Town Clerk